

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

LIBERMANN *et al.*

Appl. No. 09/126,945

Filed: July 31, 1998

For: **Prostate Derived Ets Factor**

Art Unit: 1632

Examiner: Priebe, S.

Atty. Docket: 1488.1090000/EKS/GLL



**Declaration for Deposited Biological Materials**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, James H. Davis, hereby declare as follows:

1. I am the Senior Vice President and General Counsel and have signatory authority on behalf of Human Genome Sciences, Inc.
2. A plasmid containing human cDNA encoding PDEF protein was deposited under the terms of the Budapest treaty on July 27, 1998. The deposit was made at the American Type Culture Collection (ATCC), 10801 University Boulevard, Manassas, Virginia 20110-2209 (current address), and given ATCC Accession Number 203072.
3. Assurance is hereby given that: (1) the deposit was made under the terms of the Budapest Treaty; and (2) except for the limitations allowed by 37 C.F.R. § 1.808(b), all restrictions on the availability to the public of the deposited plasmid will be irrevocably removed upon the granting of a patent.
4. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United

States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereupon.

7/17/2000  
Date

James H. Davis, Ph.D., Esq.  
Senior Vice President and General Counsel  
Human Genome Sciences, Inc.

Dep.Decl